

FILED  
APR 27 2007  
  
CLERK

United States District Court  
District of South Dakota  
Southern Division

Brian Brooks

CIV 07- 4063

Plaintiff,

- vs -

COMPLAINT

Wells Fargo Services Company,

Defendant.

JURISDICTION

1. The case arises under South Dakota Human Relations Act of 1972 and Title VII of the Civil Rights Act of 1964

FACTS

1. Plaintiff was a top performer in sales and service but was not given the chance to be interviewed when applying for several internal positions; the last applied for position was on September 5, 2005.
2. Plaintiff was one of only two Black employees in the Phone Bank
3. Plaintiff was terminated on October 6, 2005, one-and-one-half weeks before he would have become fully vested.
4. Plaintiff spoke to his direct supervisor many times about him being discriminated against regarding his opportunity for advancement.
5. Despite his performance and his length of service, which was five years, he was not given the opportunity to even be interviewed for positions he applied for.
6. The majority of the advancement opportunities went to white women.

7. Plaintiff believes the reason he was terminated was a pretext since he disputed check card purchases due to questions on the amount of the charges.
8. Plaintiff filed a complaint with the EEOC and was awarded a right to sue letter dated February 7, 2007.

**RELIEF**

Based on the forgoing, the Plaintiff prays this Court grant Plaintiff an order of the following:

1. Finding that the actions of the Defendant have been consistently and continuously discriminatory to Plaintiff.
2. Award Plaintiff damages compensating Plaintiff for the discriminating and harassing actions, in an amount to be determined at trial.
3. For the relief as this court may seem just and proper.

Dates this 27 day of April, 2007

  
\_\_\_\_\_  
Brian Brooks  
Plaintiff  
1508 E 57<sup>th</sup> Street  
Sioux Falls, SD 57108

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Mr. Brian Brooks**  
**1508 E. 57<sup>th</sup> Street**  
**Sioux Falls, SD 57108**

From: **EEOC**  
**Chicago District Office**  
**500 West Madison Street, Suite 2800**  
**Chicago, Illinois 60661-2511**



*On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR § 1601.7(a))*

EEOC Charge No.

**32J-2006-00021**

EEOC Representative

Telephone No.

**Nola Smith, State and Local****(312) 886-5973****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

FEB - 7 2007

Enclosure(s)

**John P. Rowe, District Director**

(Date Mailed)

cc: **Wells Fargo Service Company**